IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5832 of 2007()

CRIME NO.413/2007 OF PEROORKADA POLICE STATION
NOW CRIME NO.289/2007 OF VATTIYOORKAVU POLICE STATION

PETITIONER/ACCUSED

SHANTHI T.V., AGED 38 YEARS,
W/O.ASOK KUMAR, 'KARUNYAM',
SATHANAGAR, KUDAPPANAKUNNU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.A.X.VARGHESE
SRI.JOJO.A.V

RESPONDENTS: COUNTER PETITIONER

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1. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PEROORKADA POLICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5832 of 2007

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Dated this the 26th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations of having committed offences punishable, inter alia, under Section 468 IPC. The de facto complainant allegedly wanted her licence for running a tea shop to be renewed. The Panchayath had allegedly raised some objection. The de facto complainant allegedly approached the petitioner, a member of the Panchayath, for her help to get the licence renewed. The petitioner allegedly took a huge amount of money from the de facto complainant and promised to do the needful. A renewed licence was made available to the de facto complainant. The Panchayath member of the local ward, happened to see the said renewed licence. He entertained doubts and verified. It was revealed that the licence was a forged one. The petitioner had allegedly forged the said licence. The complaint was filed by the de facto complainant before the Director General of Police. The same was forwarded to the local Police. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner has political rivals

who are inimical to the petitioner and false allegations are being raised against the petitioner. It is prayed that the petitioner may be spared of the undeserved trauma of arrest and detention.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that sufficient indications pointing to the complicity of the petitioner have, by now, been collected by the Investigators. There is absolutely no reason of doubt or suspect the version of the de facto complainant now. Political animosity alleged is without any basis. It has nothing to do with the present crime into which the investigation is being conducted. There is absolutely no circumstance justifying invocation of the extraordinary equitable discretion under Section 438, submits the learned Public Prosecutor. The petitioner may be directed to surrender before the learned Magistrate or the Investigating Officer and seek regular bail in the ordinary course, prays the learned Public Prosecutor. The learned Public Prosecutor submits that though the crime was initially registered as Crime No.413/2007 of Peerorkada Police Station, the same is now being investigated after transfer by Vattiyoorkavu Police Station and the Crime No. is 289/2007.

4. I have perused the case diary. Having considered all the relevant inputs, I find merit in the opposition by the learned Public

Prosecutor. I find no features in this case suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioner must appear before the Investigating Officer or learned Magistrate and seek regular bail in the ordinary and normal course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner appears before the Investigating Officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE